

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2, 4, 63, 65, 67-72, , drawn to an isolated complex comprising a POSH polypeptide and a POSH associated protein (POSH-AP).

Group II, claim(s) 7-11, 14, drawn to a method for identifying an agent that modulates the activity of POSH and an effect on a function of a virus.

Group III, claim(s) 24-26, drawn to a method of identifying an agent that inhibits the progression of a neurological disorder using POSH and POSH-AP.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Verdier et al; describe three variants of POSH polypeptides and how they are associated with other protein CBL and their ubiquitinations in the presence of some inhibitors (Fig. 4). The common technical feature of group I has been disclosed as evidenced by Verdier et al. (Euro. J. Biochem. 2002, Vol. 269, pp. 3402-3408).

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

A. The species of POSH-AP are listed in claims 2, 9, 25, and 65.

4. The claims are deemed to correspond to the species A listed above in the following manner:

5. Claims 2, 9, 25 and 65 are corresponding to the species A. The following claim(s) are generic: 1-2, 8-9,24-25, 65, 63 and 65.

- B. The species of test agent are listed in claim 74.
6. The claims are deemed to correspond to the species B listed above in the following manner:
7. Claim 72 is corresponding to the species B. The following claim(s) are generic: 72.
- C. The species of testing function are: 1). an effect on the production of VLP in cells infected with an envelope protein (claim 67); 2). An effect on POSH enzymatic activity (Claims (68-69); 3). An effect on a protein localization or secretion of a protein (claim 70), 4). An effect of an interaction of POSH with POSH-AP (Claim 71).
8. The claims are deemed to correspond to the species C listed above in the following manner: Claims 67, 68-69, 70-71 are corresponding to the species C. The following claim(s) are generic: 63-64.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

9. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: CBL and antibody as POSH-AP and an inhibitor have been described by Verdier et al. (Euro. J. Biochem. 2002, Vol. 269, pp. 3402-3408).
10. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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11. The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

12. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bao Qun Li/

Primary Examiner, Art Unit 1648

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